IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5036 OF 2005

Indira Kancha Thapa. ... Applicant.

Versus.

State of Maharashtra. ... Respondent.

Shri B.P.Pandey i/by Shri R.M.Narvankar for the Applicant.

Ms.M.H.Mhatre, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 16th August, 2005.

P.C.:

1. Heard the learned Counsel for the Applicant and the learned A.P.P. for the State.

2. This application is for reduction of bail amount fixed by the order dated 16th July 2005 passed by the learned Adhoc Additional Sessions Judge, Mumbai.

3. The learned Counsel for the Applicant invited my attention to the observations made by the learned Addl.Sessions Judge in paragraph 7 of the said order dated 16th July 2005 and submitted that the learned Judge could not have fixed the bail amount in the sum of Rs.20,000/- in the light of the said observations. He submitted that it is impossible for the Applicant to furnish bail in the sum of Rs.20,000/- and therefore,

till today she is not in a position to avail of the order granting bail. The learned A.P.P. has brought to my notice the observation made by the learned Addl.Sessions Judge in Order dated 26th July 2005 to the effect that the Applicant is not a permanent resident of Mumbai. In my view considering the observations made in paragraph 7 of the order dated 16th July 2005, the bail amount of Rs.20,000/- fixed by the learned Addl.Sessions Judge is on the higher side. If the Applicant is not a permanent resident of Mumbai, suitable conditions could have been imposed for ensuring her attendance in the Court.

4. Hence I pass the following order:

(i) Clause (2) of the operative part of the order dated 16th July 2005 is modified to the effect that the Applicant shall be enlarged on bail on her furnishing P.R.Bond in the sum of Rs.10,000/- with one or two local sureties in the like amount.

(ii) The order enlarging the Applicant on bail will enure to the benefit of the Applicant only after the Applicant furnishes to the Investigating officer her true and correct detailed address of place of residence where she proposes to stay after she is

enlarged on bail.

(iii) The other conditions imposed by order dated 16th July 2005 stand.

Judge.